

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE URETHANE ANTITRUST
LITIGATION**

Civ. No. 2:08-5169 (WJM-MF)

ORDER

THIS MATTER comes before the Court on Dow's Motion to Exclude the Expert Testimony of Plaintiffs' Damages Expert Dr. Leslie Marx [ECF No. 197]. The Court has carefully considered the thorough briefing of the issues, the testimony taken at the January 13, 2016 *Daubert* hearing, and the additional arguments made by counsel. It is hereby ordered that Dow's motion is **DENIED**, subject to the Court reserving on whether Dr. Marx will be permitted to opine that the variances detected by her models are attributable to the alleged conspiracy or are otherwise consistent with the evidence of the conspiracy as a whole. The parties are encouraged to seek a mutually agreeable resolution on whether or how Dr. Marx will testify to that issue. A written opinion will follow.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.

Date: January 14, 2016